

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TINNUS ENTERPRISES, LLC,

Plaintiff,

v.

WAL-MART STORES, INC. d/b/a WAL-MART; BED BATH & BEYOND INC.; FRY'S ELECTRONICS; KOHL'S DEPARTMENT STORES; THE KROGER CO.; SEARS HOLDINGS CORPORATION; TOYS "R" US-DELAWARE, INC.; and WALGREENS BOOTS ALLIANCE, INC.,

Defendants.

Case No. 6:16-CV-0034-RWS-JDL

**DEFENDANT WAL-MART STORES, INC.'S NOTICE OF JOINING IN CO-
DEFENDANTS' LETTER BRIEF (DKT. NO. 45)**

Defendant Wal-Mart Stores, Inc. ("Walmart") hereby files this notice confirming that it joins in the letter brief submitted by co-defendants Bed Bath & Beyond Inc., Fry's Electronics, Kohl's Department Stores, The Kroger Co., Sears Holdings Corporation, Toys "R" Us-Delaware, Inc., and Walgreens Boots Alliance, Inc (collectively, "Co-Defendants"). *See* Dkt. No. 45.

On June 3, 2016, pursuant to the Court's April 7, 2016 Order Regarding Letter Briefs, Summary Judgment Motions, Motions to Strike Expert Testimony/*Daubert* Motions, Co-Defendants filed a letter brief ("Letter Brief") seeking permission to file a motion to strike the Expert Report of Rhonda J. Harper, M.B.A. (Dkt. No. 26-6) that Plaintiff filed in support of its motion for a preliminary injunction. Dkt. No. 45-1. For the reasons set forth in the Letter Brief, Walmart believes that Ms. Harper's opinion testimony fails to satisfy the minimum standards for

expert testimony under the Federal Rules of Evidence and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 113 S.Ct. 2786, 2797 (1993). Walmart joins in the Letter Brief rather than filing a separate letter to lessen the burden on the Court.

Respectfully submitted,

Dated: June 8, 2016

By: /s/ W. Lance Lee

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Attorneys for Defendant Wal-Mart Stores, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with notice of the filing of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a) on June 8, 2016.

/s/ W. Lance Lee
W. Lance Lee